

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<b>BLAKE HIGGINS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 11-CV-090-JHP-TLW</b>
	)	
<b>STATE AUTO PROPERTY &amp;</b>	)	
<b>CASUALTY INSURANCE COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF’S OBJECTIONS TO DEPOSITION  
DESIGNATIONS OF SARA HIGGINS**

Plaintiff, pursuant to LCvR30.1(c), submits his objections to the designations and counter-designations of the deposition. Counsel for the parties have personally met and resolved some of the objections. The parties were unsuccessful in their attempt to resolve the following objections to the deposition. The transcript of this deposition will be submitted to the Court Clerk with the indicated testimony highlighted and the indicated objections referenced in the margins. The Plaintiff’s designations are highlighted yellow. The Defendant’s designations are highlighted orange.

Plaintiff objects to the use of the deposition in its entirety because the proposed witness is not an “unavailable witness” pursuant to Fed. R. Civ. P. 32(a)(4).

**TESTIMONY**

**OBJECTION**

78:24	12
97:24-25	9
98:2-7	9
98:8-11, 13	14
98:14-15, 17	14
98:18-20, 22	14
115:22-23	15

116:1-9	15
119:16-19, 21	10
119:22-25	10
120:2-8, 10	10
120:11-15	10
147:21	5

### OBJECTIONS

5. Extraneous dialogue should be removed.
9. Testimony of the use or non-use of a seat belt is irrelevant. Motion in limine filed.
10. Testimony of the use or non-use of tobacco is irrelevant. Motion in limine filed.
12. Repetitive.
14. Testimony of the use or non-use of a cell phone is irrelevant.
15. Testimony of flying first class is irrelevant.

Respectfully submitted,

TOON OSMOND, P.L.L.C.

/s/ Brian J. Goree  
 Rich Toon, OBA #16069  
[richtoon@toonosmond.com](mailto:richtoon@toonosmond.com)  
 Cyrus N. Lawyer, OBA #22622  
[natelawyer@toonosmond.com](mailto:natelawyer@toonosmond.com)  
 Brian J. Goree, OBA #13104  
[briangoree@toonosmond.com](mailto:briangoree@toonosmond.com)  
 1800 S. Baltimore Ave., Suite 1000  
 Tulsa, Oklahoma 74119  
 Telephone: 918.477.7884  
 Facsimile: 918.477.7893  
[www.toonosmond.com](http://www.toonosmond.com)

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 5<sup>th</sup>, 2012, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Tracy W. Robinett, Esq.  
[trobinett@robinettmurphy.com](mailto:trobinett@robinettmurphy.com)

Lawrence R. Murphy, Jr., Esq.  
[lmurphy@robinettmurphy.com](mailto:lmurphy@robinettmurphy.com)

Pansy Moore-Shrier, Esq.  
[pmoore-shrier@robinettmurphy.com](mailto:pmoore-shrier@robinettmurphy.com)

Charles R. Swartz, Esq.  
[cswartz@robinettmurphy.com](mailto:cswartz@robinettmurphy.com)

Mariann Atkins  
[matkins@robinettmurphy.com](mailto:matkins@robinettmurphy.com)

/s/ Brian J. Goree